

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CHARLOTTE HORTON, as guardian of)	
the Estate of Anna R. Richardson,)	
adjudicated disabled person,)	
)	
Plaintiff,)	Case No. 07 C 6530
v.)	
)	Judge Lindberg
COUNTRY MORTGAGE SERVICES,)	Magistrate Judge Nolan
INC., an Illinois corporation; FREMONT)	
INVESTMENT & LOAN, a California)	
corporation; and MORTGAGE)	
ELECTRONIC REGISTRATION)	
SYSTEMS, INC., a Delaware corporation,)	
)	
Defendants.)	

**FREMONT INVESTMENT'S MOTION
TO ENLARGE THE TIME FOR DISCOVERY**

Fremont Investment & Loan ("Fremont") moves the court for an enlargement of time in which to complete depositions and in which to disclose, and make available for deposition, an expert and, if necessary, to examine Anna Richardson. In support of its motion, Fremont states as follows:

1. This is a case in which the plaintiff guardian alleges various forms of mortgage fraud. In Count II, the plaintiff alleges that Anna Richardson, the former owner of record of certain real property in Chicago, was legally incompetent at the time that she refinanced her property and gave a mortgage to Fremont.

2. Fremont answered the second amended complaint on April 30, 2008, less that two and one-half months ago.

3. Prior to that, and pursuant to the court's standing order, the parties engaged in an informal settlement conference on April 14, 2008. That effort did not result in a settlement.

4. By minute order dated March 5, 2008, the court had set a discovery cut-off date of July 9, 2008.

The Need for Additional Time for Depositions

5. Since the settlement conference less than three months ago, Fremont has been diligent in pursuing discovery. It has served document requests and interrogatories on each of the other parties and has received documents, responses to the document requests, and answers to the interrogatories from all parties except for the plaintiff. The plaintiff advises Fremont that she believes she has produced all responsive documents, but she has yet to serve a formal response to Fremont's document requests.

6. Fremont has also vigorously proceeded with depositions. However, because of the number of attorneys, it has been difficult to find open dates convenient to the schedules of the witnesses and the attorneys.

7. On June 27, 2008, Fremont took the deposition of Brian Richardson, a grandson of Anna Richardson who lived with Ms. Richardson and who was present when Ms. Richardson executed the mortgage documents.

8. Phyllis Richardson, Brian's mother and Anna's daughter, was scheduled pursuant to subpoena to be deposed on the same day, but as a result of a misunderstanding on her part she did not appear in time to be deposed. Her deposition has been rescheduled to July 14, 2008.

9. The deposition of the guardian, plaintiff Charlotte Horton, is scheduled for July 15, 2008; and Ms. Richardson's treating physician, Dr. Vance Lauderdale, is scheduled to be deposed on July 24, 2008.

10. Fremont requests that the discovery cut-off date for the completion of fact depositions be enlarged to August 15, 2008, in order to complete the scheduled depositions and to notice and depose any other witnesses whose testimony may be suggested by the currently scheduled deponents.

The Need for Additional Time to Disclose an Expert

11. Fremont also requests that the time for it to disclose an expert, and to make that expert available for deposition, and to examine Anna Richardson if necessary, be enlarged to September 26, 2008.

12. In part, this is an expert case. To defend Count II, Fremont needs a medical expert to give an opinion with regard to Ms. Richardson's capacity to execute the mortgage documents.

13. That expert will need to form an opinion based not only on the medical records that have been produced, but on the testimony of Brian and Phyllis Richardson, who lived with and observed Ms. Richardson; the testimony of Charlotte Horton, who also knew and observed Ms. Richardson; and the testimony of Dr. Lauderdale.

14. In addition, it may be necessary to seek an examination of Ms. Richardson, if Fremont's expert were to deem such an examination necessary or advisable.

15. Granting Fremont an enlargement of time in which to disclose, and make available for deposition, an expert, as well as to examine Ms. Richardson if necessary, will not unduly delay the prosecution of this case. Such an enlargement is reasonable in light of the relatively short period of time that has passed since the settlement conference and in light of the vigorous efforts made by Fremont to defend the claim that Ms. Richardson was not competent to execute the mortgage documents.

16. Moreover, the court has set July 30, 2008, as the ruling date on Country Mortgage Services' motion to dismiss the complaint as to it. For that reason, not all the issues have been joined as to all the parties in this case.

17. In addition, Wells Fargo was recently added to the case, by leave of court, as an additional defendant. Its answer was filed on July 7, 2008, and Fremont expects that Wells Fargo will have discovery needs of its own.

18. By minute order dated June 25, 2008, any summary judgment motions are to be filed by August 20, 2008. Trial is scheduled for November 1, 2008.

19. Fremont respectfully suggests and requests that the summary judgment and trial dates be re-set to take into account the discovery dates requested by Fremont in this motion.

WHEREFORE, Fremont requests that the court enlarge the time for completing the depositions of fact witnesses to August 15, 2008, and that the court enlarge the time for disclosing its expert, making its expert available for deposition, and examining Ms. Richardson if necessary, to September 26, 2008.

FREMONT INVESTMENT & LOAN

By: /s/ Amy E. Bullock
One of Its Attorneys

J. Michael Williams (ARDC no. 6194265)
mwilliams@cohonraizes.com
Amy E. Bullock (ARDC no. 6281091)
abullock@cohonraizes.com
Cohon Raizes & Regal LLP
208 S. LaSalle Street, Suite 1860
Chicago, Illinois 60604
312-726-2252 (office)
312-726-0609 (fax)

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